

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 05-11745RWZ

BARBARA DEIGHTON HAUPT, Trustee)
of BD REALTY TRUST,)
Plaintiff)
)
v.)
)
THE TOWN OF WAREHAM acting by)
and through the BOARD OF)
SELECTMEN OF THE TOWN OF)
WAREHAM, and the BOARD OF)
SELECTMEN OF THE TOWN OF)
WAREHAM,)
Defendants)

**VOIR DIRE QUESTIONS PROPOSED BY PLAINTIFF, BARBARA DEIGHTON
HAUPT, TRUSTEE OF BD REALTY TRUST**

Now comes the Plaintiff, Barbara Deighton Haupt, Trustee of BD Realty Trust, and requests that the following questions be asked of prospective jurors:

1. Do you know or are you related to the Plaintiff, Barbara Deighton Haupt, Trustee of BD Realty Trust, or any member of her family?
2. Do you reside or have you ever resided in the Town of Wareham?
3. Have you, or any close relatives or family members, ever been employed by or held a position with the Town of Wareham, including any of its boards, commissions, authorities or departments?
4. Have you ever visited the property located at 200 Swifts Beach Road in Wareham, Massachusetts, also known as "Swifts Beach"?
5. Do you have any knowledge of this case gained from any source?
6. Do you have any interest whatsoever in this case or its outcome?
7. Have you expressed or formed any judgment or opinion with respect to this case?

8. Are you aware of any bias or prejudice that you may have in favor of or against either the Town of Wareham or the Plaintiff in this case?
9. Do you know or are you related to, or have you been a client, or employee of, or associated with any of the prospective witnesses whose names have been read to you? **[need list of witnesses from both parties]**
10. Have you, or any close relatives or family members or close personal friends, ever had real property taken by eminent domain by a municipality or other governmental entity?
11. Do you have any opinion about governmental takings of real property by eminent domain?
12. What newspapers do you usually read?
13. Do you subscribe to or regularly read The Wareham Observer (formerly known as The Gateway Observer), The Wareham Courier, or The New Bedford Standard-Times?
14. Have you ever read any articles related to this case in The Wareham Observer, The Gateway Observer, The Wareham Courier, The Wareham Bulletin or The New Bedford Standard-Times?
15. What have you heard or read about this case?
16. Have you read any newspaper or magazine articles or seen any television programs about the Plaintiff or about their lawyers?
17. Was there anything that you read in the newspaper or heard on television that led you to believe that the Plaintiff has already been adequately compensated for the taking of her real property?
18. Do you have any opinion about this case as a result of reading the newspapers or magazines or hearing about the case?
19. Did you feel that the stories that you read or heard in this case were biased or prejudiced?
20. Have you ever heard anyone discuss this case?
21. What have you heard?
22. Is there any reason why you may not be able to sit as a juror in this case, bearing in mind that the case may take about 5 days, running from 9:00AM to 1:00PM?

23. Is there any other reason, such as physical problems, language difficulties, religious beliefs, hearing impairment, medical problems or the like that might make it difficult for you to sit as a juror in this case?
24. Is there anything about the nature of this case that would make it difficult for you to render a fair and impartial verdict?
25. Is there anything about the nature of this case that would make it difficult for you to award a substantial amount of monetary damages to Plaintiff?
26. Do you own an interest in any commercial real estate?
27. Do you own residential real estate?
28. Do you own any waterfront or coastal property?
29. Have you owned any waterfront or coastal property within the past 10 years?
30. Are you a member of any environmental organizations or groups active in the Cape Cod or South Eastern Massachusetts areas including, but not limited to the Coalition for Buzzards Bay or Save the Bay (Buzzard's Bay), or local watershed groups or associations?
31. Are you a member of any environmental organizations or groups active in Massachusetts such as the Conservation Law Foundation or the Massachusetts Audubon Society?
32. Do you hold any professional licenses or college or graduate degrees in biology, botany, earth science, soil science, environmental science, environmental engineering or other similar degree programs?
33. Are you or have you ever been an employee of or an owner of any private engineering or environmental planning or consulting firms or agencies?
34. Are you or have you ever been an employee of any federal, state, regional or municipal agency, department or bureau that regulates the environment, including any harbors, bays, estuaries, wetlands or other coastal or water dependent uses?
35. Are you or have you ever been an employee of or an owner of any real estate development business?
36. Have you ever served on or worked for a local, municipal or regional planning agency, including a zoning board of appeals, planning board, conservation commission, Cape Cod Commission or the like?

37. Are you a sailor or boater or are you otherwise familiar with the measurement, observation or effect of high and low tides on coastal properties or the use of tide charts, tidal datum, mean high and mean low tide, and spring tides.

Date: 4/2/2007

BARBARA DEIGHTON HAUPT,
Trustee of BD REALTY TRUST,
By her attorneys,

/s/ Kristen M. Ploetz
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on this 2nd day of April, 2007.

/S/ Kristen M. Ploetz
Kristen M. Ploetz, Esq.

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